

1 **SAO**

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Ayman Enterprises, INC. and

Clarence Eugene Mitchell

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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

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12 EDGAR AVITIA DE LA VEGA, an
individual,

13 Plaintiff,

14 vs.

15 AYMAN ENTERPRISES, INC., a foreign
corporation; CLARENCE EUGENE
MITCHELL, II, an individual; DOES I through
16 X; and ROE CORPORATIONS I through X,
inclusive,

17 Defendants.

Case No.: 2:23-cv-00865-RFB-VCF

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19 **(AMENDED) STIPULATION AND**
ORDER TO EXTEND DISCOVERY
DEADLINES
(Fourth Request)

20 Defendants AYMAN ENTERPRISES, INC., and CLARENCE EUGENE MITCHELL, II,
21 and Plaintiff EDGAR AVITIA DE LA VEGA, through their counsel, submit the foregoing stipulation
22 and order to extend discovery deadlines (60 days) pursuant to LR 26-3 as follows:

23 1. Summary of Discovery Completed

24 To date, the following discovery has been completed in this case

Item	Date Completed
Plaintiff's Initial Rule 26(a) Disclosures	August 1, 2023
Defendants' Initial Rule 26(a) Disclosures	August 4, 2023
Defendants' First Supplemental Rule 26(a)	November 8, 2023

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Item	Date Completed
Disclosures	
Plaintiff's First Set of Requests for Admissions, Requests for Production and Interrogatories to Defendant Ayman Enterprises	August 28, 2023
Plaintiff's First Set of Requests for Production and Interrogatories to Defendant Clarence Eugene Mitchell, II	August 28, 2023
Defendant Clarence Eugene Mitchell Answered Plaintiff's Requests for Production and Interrogatories	November 8, 2023
Defendant Ayman Enterprises Answers to Plaintiff's Requests for Admissions, Requests for Production and Interrogatories	November 8, 2023
Defendants First Supplemental Rule 26(a) Disclosures	November 8, 2023
Defendants First Set of Requests for Admissions, Requests for Production, and Interrogatories to Plaintiff	November 13, 2023
Plaintiff's Answers to Defendants' First Set of Requests for Admissions, Requests for Production, and Interrogatories to Plaintiff	December 13, 2023
Defendants Second Set of Requests for Production	December 26, 2023
Deposition of Plaintiff Edgar Avitia De La Vega	January 19, 2024
Plaintiff's Responses to Defendant's Second Set of Request for Production	January 25, 2024
Deposition of George Gluck, M.D.	February 7, 2024
Deposition of George Tsao, DO	February 14, 2024
Defendants Second Supplemental Rule 26(a) Disclosures	March 13, 2024
Deposition of George Tsao, DO	April 3, 2024
Plaintiff's First Supplemental Rule 26(a) Disclosures	May 13, 2024
Plaintiff's Disclosure of Expert Witness	May 15, 2024
Defendant's Disclosure of Expert Witnesses	May 15, 2024

2. Discovery Remaining

The following discovery remains to be completed:

- a) Deposition of Expert Roger A. Fontes, Jr., M.D., scheduled for July 1, 2024;
- b) Deposition of Expert John E. Baker, PH.D., P.E., scheduled for August 7, 2024;

- c) Deposition of Expert Daniel E. Fabito, MD – July 22, 2024 (proposed):
- d) Deposition of Expert G. Michael Elkanich, MD – July 23, 2024 (proposed):
- e) Additional Written Discovery regarding Plaintiff's previous employers and employment history; Plaintiff's previous workers compensation history; and Plaintiff's updated medical treatment history;
- f) Deposition of Person(s) Most Knowledgeable for Defendant Ayman Enterprises, Inc., noticed for July 16, 2024;
- g) Disclosure of rebuttal expert witnesses; and
- h) Deposition(s) of all rebuttal expert witnesses.

3. Reason Why Discovery Was Not Completed

Pursuant to LR 26-3, a "stipulation to extend a discovery plan, scheduling order, or other order must, in addition to satisfying the requirements of LR IA 6-1, be supported by a showing of good cause for the extension." LR 26-3. "'Good cause' is a non-rigorous standard that has been construed broadly across procedural and statutory contexts." *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010). Typically, good cause is met when there is an absence of bad faith or prejudice to the non-moving party. *Id.*, at 1260.

Here, the parties seek to extend the rebuttal expert designation, discovery cut-off, dispositive motion deadline, and due date for the Joint Pre-Trial Order. All these deadlines are more than 21 days out. As such, there is no need for the parties to show excusable neglect and the parties need only to show good cause for the extension. LR 26-3.

In this matter, there is good cause to extend the discovery deadlines. Plaintiff and Defendant would like to retain rebuttal experts, however the exhibits disclosed in this case number in the thousands of pages, and the experts require a suitable amount of time to review the records. In addition, both parties would like to depose each other's experts, because of scheduling difficulties John E. Baker, PH.D., P.E., will not be able to be deposed till after the discovery cutoff of July 14, 2024. Defendants would also like to depose Plaintiff's initial and rebuttal experts as well. Furthermore, lead trial counsel for the defense on this matter spent much of the past month in trial in the Eighth Judicial District Court, Clark County, Nevada, which interrupted the time available to further discovery in this matter.

Based on these reasons, the parties submit that a brief extension is needed and that the requested extension is absent any bad faith. Lastly, the parties submit that since this extension is stipulated, there is no prejudice to either party.

4. Proposed Schedule for Completing Discovery

Accordingly, the parties respectfully request that this Court enter an order setting the following discovery plan and scheduling order dates:

Event	Former Deadline	New Deadline
Amend pleadings or add parties	CLOSED	CLOSED
Expert Designations	CLOSED	CLOSED
Rebuttal Expert Designations	June 14, 2024	August 13, 2024
Discovery Cut-off	July 14, 2024	September 12, 2024
Dispositive Motions	August 14, 2024	October 14, 2024
Joint Pre-Trial Order	September 13, 2024	November 12, 2024

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Counsel add that the requested extension of discovery deadlines is interposed not for purposes of delay, but for the purposes set forth above.

DATED: June 13, 2024

DATED: June 13, 2024

MAIER GUTIERREZ & ASSOCIATES

PT LAW

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DATED: June 13, 2024

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IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE

DATED: 06-18-24

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